

E-FILED on 7/26/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PERLITO SULIT and ESTELA SULIT

Petitioners,

v.

MICHAEL CHERTOFF, CHARLES DEMORE,
NANCY ALCANTAR, and ALBERTO
GONZALEZ,

Respondents.

No. C-05-00958 RMW

ORDER TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE TRANSFERRED
TO THE NINTH CIRCUIT

[Re Docket No. 10]

Respondents have filed a notice of change in law asserting that this court no longer has jurisdiction over the instant petition for writ of habeas corpus. They contend that this case must be transferred to the United States Court of Appeals for the Ninth Circuit pursuant to the recently passed REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, §§ 106(a), (c), 119 Stat. 231 (2005). The court has not yet heard petitioner's position on this issue.

The parties shall meet and confer regarding whether this case must be transferred to the Ninth Circuit. Should the parties agree that transfer is appropriate, they shall submit a stipulation and proposed order to do so. If the parties disagree, they shall submit a stipulation and proposed order setting deadlines for filing an

1 opposition brief by petitioners and a reply brief by respondents. In either case, the parties shall file their
2 stipulation and proposed order by Monday, August 22, 2005.

3
4 DATED: 7/25/05

/s/ Ronald M. Whyte

RONALD M. WHYTE

United States District Judge

Notice of this document has been electronically sent to:

Counsel for Plaintiff(s):

James Todd Bennett bennettjt13@hotmail.com

Counsel for Defendant(s):

Edward A. Olsen edward.olsen@usdoj.gov
Alison E. Daw alison.daw@usdoj.gov

Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

Dated:

7/26/05

/s/ MAG

Chambers of Judge Whyte